

REMARKS

By the present amendment, Claim 1 has been amended, Claims 5-13 have been canceled, and Claims 14-21 have been newly added. Claims 1-4 and 14-21 remain pending in the present application. Claim 1 is the sole independent claim.

Applicant respectfully submits that the amendments to the claims are fully supported by the original disclosure, and introduce no new matter therewith. Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and the following remarks.

Applicant's representative has been unable to schedule a personal interview with the Examiner prior to the filing date of this amendment, and respectfully requests that action on this amendment be withheld until a personal interview has been conducted.

Applicant acknowledges the election with traverse of the invention of Claims 1-4 (Group I) drawn to a system. Claims 5-13 are withdrawn from consideration by the Examiner as being directed to a non-elected invention. Applicant has accordingly cancelled claims 5-13 to expedite prosecution of the application. However, it should be noted that under the provisions of 35 U.S.C. § 121 Applicant reserves the right to file a divisional application directed to the non-elected subject matter.

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Examiner notes that the phrase "such as", as recited in Claim 1, renders the claim indefinite. Applicant has amended Claim 1 to delete the phrase "such as".

Applicant respectfully submits that amended Claims 1-4 and newly added Claims 14-22, meet the specific requirements of 35 U.S.C. § 112, second paragraph, and requests reconsideration and withdrawal of this rejection of Claims 1-4 under 35, U.S.C. § 112, second paragraph.

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Purcell (U.S. Patent No. 5,940,807). Claims 1-4 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Johnson '683 (U.S. Patent No. 5,940,807). Claims 1-4 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Johnson '683.

Applicant has revised Claim 1 to more particularly define Applicant's claimed invention in view of the prior art of record.

Amended independent Claim 1 recites a computerized ordering, warehousing, accounting, inventory, sales, delivery and communications system used by different entities. The system includes a datacenter that is accessed over the Internet by the different entities by computers, a processor, and a computer readable media with executable instructions. The executable instructions search for desired products by an item number, a SKU number and a provided search category. The executable instructions display the desired products and product attributes found by the search,

which includes a SKU number, a manufacturer, a JPEG image, a list price, a discount price, a sale price, assembling components, a fabric name, a fabric number, a fabric style, a color, a grade, a finish, a cleaning code and instructions, matching products, a bed size, item variants and inventory information selected. The executable instructions select, delete and update desired products to a selection basket, including available quantities and prices of the desired products. The executable instructions exchange and update inventory, raw material, purchase order, sales order and selection basket data with a datacenter that is accessed over the Internet. The executable instructions start a manufacturer's production order, edit the final product, scan the final product, determine a customer's credit worthiness for the amount of a sales order, determine a delivery schedule, establish routing and loading procedures for the product, and establish shipping and receiving procedures.

Purcell describes a method for controlling the collection, processing and dissemination of information by a host regarding product and service availability. The method includes the steps of establishing a host operated information management system wherein the information management system is a computer having information processing and storage capabilities. The host also has electronic communication connections such as modems that permit third parties to electronically connect with the information management system for exchanging information therewith. Host approved sellers of products and services are granted limited electronic access to the information management system so that each approved seller then has a self-initiated capability to

exclusively access that seller's inventory information that is maintained on the information management system for adding, amending and deleting portions of the seller's inventory information. The seller's inventory information is analyzed and assimilated into a buyers listing of products and services available through the information management system to potential buyers. Host approved buyers of products and services are granted limited electronic access to the information management system so that each approved buyer has a self-initiatable capability to access the buyers listing for reviewing products and services of interest to that buyer. Within the information management system, the capability is provided for a purchase transaction to be initiated by an approved buyer who electronically designates a product or service of interest for purchase from the buyers listing.

Johnson '683 describes an electronic sourcing system that includes a computer that maintains a catalog database of data including product information (such as product identification and descriptive information) relating to catalog items available from vendor product catalogs, and a means for building (generating) a requisition including at least one requisitioned item. Information at least partially identifying an item desired to be requisitioned is entered by a user, and utilized by a means for searching the database for catalog items matching that information and for selecting at least one catalog item located as a result of the search. Text describing the catalog items, and images of the items, may be viewed. Data identifying selected catalog items are communicated to the requisition building means, which generates a requisition including entries for items corresponding

to the selected catalog items. The system checks the availability in one or more inventory locations of the corresponding desired catalog items, and generates one or more purchase orders for desired items from inventory locations stocking the items.

It is well known that for a reference to anticipate a claim under 35 U.S.C. § 102(b) there "must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention" (see *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991)). It is also well known that in order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. *In re Vaek*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that Purcell, Johnson '683, or any combination thereof fails to teach or reasonably suggest a computerized ordering, warehousing, accounting, inventory, sales, delivery and communications system used by different entities, the system including a datacenter that is accessed over the Internet by the different entities by computers; a processor; and a computer readable media with executable instructions that carry out steps including searching for desired products by an item number, a SKU number and a provided search category; displaying the desired products and product attributes found by the search, which includes a SKU number, a

manufacturer, a JPEG image, a list price, a discount price, a sale price, assembling components, a fabric name, a fabric number, a fabric style, a color, a grade, a finish, a cleaning code and instructions, matching products, a bed size, item variants and inventory information selected; selecting, deleting and updating desired products to a selection basket, including available quantities and prices of the desired products; exchanging and updating inventory, raw material, purchase order, sales order and selection basket data with a datacenter that is accessed over the Internet; starting a manufacturer's production order; editing the final product; scanning the final product; determining a customer's credit worthiness for the amount of a sales order; determining a delivery schedule; establishing routing and loading procedures for the product; and establishing shipping and receiving procedures, as Claims 1-4 and 14-22 require.

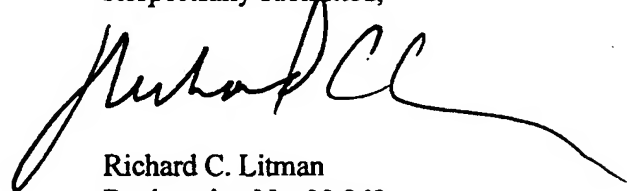
Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Purcell, the rejection of Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Johnson '683, and the rejection of Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Johnson '683.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard C. Litman', with a long horizontal flourish extending to the right.

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